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Remarks

The present invention relates to a method for allocating bits to encode each frame of an image sequence, where each frame of the image sequence has at least one object. The method (as set forth in amended Claim 22 above) generally comprises:

- (a) determining a target frame bit rate for the frame; and
- (b) allocating the target frame bit rate among the at least one object in accordance with a target object bit rate for the at least one object.

In further embodiments, the present invention relates to a computer-readable medium (containing instructions generally to perform the present method; see amended Claim 32 above), and an apparatus for encoding each frame of an image sequence. The apparatus (as set forth in amended Claim 29 above) generally comprises:

- (a) a motion compensator for generating a predicted image of a current frame;
- (b) a transform module for applying a transformation to a difference signal between the current frame and the predicted image, where the transformation produces a plurality of coefficients;
- (c) a quantizer for quantizing the plurality of coefficients with at least one quantizer scale; and
- (d) a controller for selectively adjusting the at least one quantizer scale for a current frame in response to a target object bit rate for the at least one object, and for determining the target object bit rate from a target frame bit rate.

The reference cited against the claims (Eleftheriadis et al, U.S. Pat. No. 6,055,330 [hereinafter "Eleftheriadis"]) does not disclose the present allocating step (see amended Claim 22). Furthermore, Eleftheriadis does not disclose a controller for determining the target object bit rate from a target frame bit rate (see amended Claim 29). Consequently, the present claims are patentable over the cited references.

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Claim Rejections Under The Judicially Created Doctrine Of Double Patenting

Applicants provisionally agree to file a terminal disclaimer to overcome the non-statutory double patenting rejection of claims 22-24, 27-34 and 37-38. In particular, Applicants will file the terminal disclaimer if and when all of the other claim rejections have been resolved.

Claim Rejection Under 35 U.S.C. §102

The rejection of claims 22-30 and 32-50 under 35 U.S.C. §102(e) as being anticipated by Eleftheriadis is respectfully traversed and should be withdrawn.

Eleftheriadis discloses a method and apparatus for performing digital image and video segmentation and compression using 3-D depth information (Title). In contrast to the present claims 22 and 32, which recite allocating the target object bit rate(s) in accordance with the target frame rate, Eleftheriadis appears to determine a target object bit rate based on a quantizer (the value of which appears to be related to the distance of the object from the camera; see, e.g., col. 11, ll. 1-15 and 41-44).

For example, Eleftheriadis discusses two coding techniques for controlling bit rates, variable bit rate (VBR) coding and constant bit rate (CBR) coding (see col. 8, ll. 8-19 and col. 11, ll. 39-64). Eleftheriadis discloses a constant bit rate encoder (FIG. 10), in which an object map generated by object segmentation circuit 500 is received by a macroblock labeling circuit 1100 (see col. 10, l. 65-col. 11, l. 1). Since the encoder splits each frame of video information received from the camera into macroblocks and quantizes DCT coefficients on a macroblock basis, Eleftheriadis teaches that it is desirable to assign each macroblock of video data to a specific object, or in the case of a simple segmentation technique described therein, to a region which contains one or more objects at the same depth from the camera (col. 11, ll. 1-8). Once the macroblock including pixels from an object or region has been assigned, it will be assigned to one object or region by macroblock labeling circuit 1100, a rate controller 1040 can select an appropriate quantizer step size for the entire current macroblock (col. 11, ll. 12-15).

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For CBR coding, the rate controller 1040 must additionally regulate quantizer selection so that the output buffer 1020 neither overflows nor underflows. Since the total number of bits per second which may be output is now fixed, object sizes become important (col. 11, ll. 53-57). In accordance with a known technique for performing area-selective rate control when the object locations are known, each object is associated with a particular target average bit rate R_i , except for the background (object n). Thus, in CBR coding, Eleftheriadis appears to determine a target object bit rate based on a quantizer value, rather than an allocation in accordance with the target frame rate, as recited in the present claims 22 and 32.

In order to maintain the given total average rate R necessary to prevent buffer overflow, the background rate is determined according to EQ. (4):

$$\sum_{i=0}^n \alpha_i R_i = R \quad (4)$$

where α_i is the proportion (from 0.0 to 1.0) of the pixels in the frame that belong to object i (col. 11, l. 67-col. 12, l. 10; emphasis added). Thus, the already-established target object bit rates are proportionally summed, *the given total average rate R is subtracted* from the sum of the proportional target object bit rates, and the background rate determined therefrom.

Eleftheriadis explicitly teaches that *it is possible that R_n* (the background bit rate) *is negative* (col. 12, l. 16; emphasis added). To one of ordinary skill in the art, this possibility of a negative background bit rate demonstrates that target object bit rates are not allocated in accordance with a target frame rate. Rather, they must be determined by some other technique (such as in accordance with a quantizer value, as explained above, which in turn appears to be based on the occupancy B_{\max} of a buffer [col. 3, ll. 22-26], the output rate of which is constant and *dependant on the bandwidth of the channel which is accepting data from the buffer*, see col. 3, ll. 17-22 [emphasis added]). Eleftheriadis further teaches that the possibility of a negative background bit rate may simply have the effect of assigning as coarse quantization as possible to the background, and may result in less average bits per second per object than the target bit rates R_i indicate (col. 12, l. 16-19), further confirming that *target* object bit rates therein are not allocated in accordance with a target frame rate.

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Thus, there appears to be no basis in Eleftheriadis for an assertion that EQ. (4) is used to determine the target frame rate; to the extent R may be related to a target frame rate, Eleftheriadis explicitly teaches that it is given (e.g., determined *a priori*, and as discussed in the preceding paragraph, apparently dependent on the bandwidth of the channel which is accepting data from the buffer). There also appears to be no basis in Eleftheriadis for an assertion that "part of the target frame bit rate is allocated as the target object bit rate" other than from reading the present claims into Eleftheriadis, since Eleftheriadis appears to teach that target average object bit rates are based on quantizer selection (see col. 11, ll. 12-15 and 53-55; see also the discussion below with regard to VBR coding). Consequently, Eleftheriadis fails to disclose step of allocating the target frame bit rate in accordance with a target object bit rate as presently claimed in the relevant discussion of CBR coding.

For VBR coding, Eleftheriadis teaches that macroblock labels can be directly used for rate control by associating particular quantizer step sizes with each object (col. 11, ll. 39-41). The encoder can also employ techniques to "smooth out" quantizer differences at object boundaries by gradually changing the quantization step while entering or exiting an object (col. 11, ll. 47-50). A macroblock labeling circuit 1100 (see FIG. 11) contains object identifications for each pixel in the macroblock (col. 11, ll. 16-19), and quantizer selection is simply a lookup operation into a table which indexes the possible object identifications generated by macroblock labeling circuit 1100 (col. 11, ll. 44-47). Also, Eleftheriadis teaches that rate control is also usable in a purely VBR encoder to provide higher quality for some image areas, and less for areas that have smaller significance (e.g., background areas). As a result, the term rate control is used by Eleftheriadis generally without discriminating whether or not a CBR or VBR encoder is used (col. 8, ll. 40-47).

Consequently, Eleftheriadis fails to disclose step of allocating the target frame bit rate in accordance with a target object bit rate as presently recited in claims 22 and 32. As such, the rejection should be withdrawn with regard to claims 22, 32, and claims dependent therefrom.

Furthermore, Eleftheriadis fails to disclose the controller of claim 29, which determines the target object bit rate from a target frame bit rate. As discussed above, Eleftheriadis discloses

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a rate controller 1040 that regulates quantizer selection so that the output buffer 1020 neither overflows nor underflows (col. 11, ll. 53-57). However, the output rate of the buffer is constant and dependant on the bandwidth of the channel which is accepting data from the buffer (see col. 3, ll. 17-26). Eleftheriadis does not appear to disclose any connection between the bandwidth of the channel which is accepting data from the buffer and a target frame bit rate. As a result, Eleftheriadis fails to disclose each and every element of claim 29.

Therefore, this ground of rejection should be withdrawn.

Conclusions

In view of the above amendments and remarks, all bases for rejection are overcome, and the application is believed to be in condition for allowance. Early notice to that effect is earnestly requested.

If it is deemed helpful or beneficial to the efficient prosecution of the present application, the Examiner is invited to contact Applicant's undersigned representative by telephone.

Respectfully submitted,



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